

MESSAGE NO: 0027310 MESSAGE DATE: 01/27/2010

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 8240203  
MESSAGE #  
(s):

CASE #(s): A-331-802

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 02/01/2006 TO 01/31/2007

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN FROZEN WARMWATER SHRIMP  
FROM ECUADOR (A-331-802); SLIP 09-126, CT NO 09-229

MESSAGE NO: 0027310

DATE: 01 27 2010

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 8240203

REFERENCE DATE: 08 27 2008

CASES: A - 331 - 802

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PERIOD COVERED: 02 01 2006 TO 01 31 2007

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS  
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN FROZEN WARMWATER  
SHRIMP FROM ECUADOR (A-331-802); SLIP 09-126,  
CT NO 09-229

1. ON 10/30/2009, THE U.S. COURT OF INTERNATIONAL TRADE (CIT)  
ISSUED A FINAL DECISION IN THE CASE OF AD HOC SHRIMP TRADE  
ACTION COMM. V. UNITED STATES, SLIP OP. 09-126, CIT CT NO  
08-229. AS A RESULT OF THIS DECISION, THE INJUNCTION TO WHICH  
MESSAGE 8240203 REFERS ENJOINING LIQUIDATION OF ENTRIES WHICH  
ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON CERTAIN FROZEN  
WARMWATER SHRIMP FROM ECUADOR FOR THE PERIOD 02/01/2006 THROUGH  
01/31/2007 PRODUCED AND/OR EXPORTED BY THE COMPANIES LISTED IN  
PARAGRAPH 2 DISSOLVED ON 12/30/2009.

2. FOR ALL SHIPMENTS OF CERTAIN FROZEN WARMWATER SHRIMP FROM ECUADOR PRODUCED AND/OR EXPORTED BY THE FIRMS LISTED BELOW, AND ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING

THE PERIOD 02/01/2006 THROUGH 01/31/2007, ASSESS AN ANTIDUMPING LIABILITY OF 0.64 PERCENT OF THE ENTERED VALUE, EXCEPT IF PARAGRAPH 3 IS APPLICABLE.

MFR/PRODUCER/EXPORTER

AGROL, S.A.

ALQUIMIA MARINA S.A.

COMAR CIA LTDA.

DUNCI S.A.

EL ROSARIO S.A.

EMPACADORA BILBO BILBOSA

EMPACADORA DEL PACIFICO S.A.

EMPACADORA DUFRER CIA. LTDA.

EMPACADORA GRAN MAR S.A. (EMPAGRAN)

EMPACADORA NACIONAL

EMPACADORA Y EXPORTADORA CALVI CIA. LTDA.

EMPREDE S.A.

ESTAR C.A.

EXPORKLORE, S.A.

EXPORTADORA DEL OCEANO OCEANEXA C.A.

GONDI S.A.

INDUSTRIA PESQUERA SANTA PRISCILA S.A.

INEPEXA S.A.

JORGE LUIS BENITEZ LOPEZ

KARPICORP S.A.

LUIS LOAIZA ALVAREZ

MARDEX CIA. LTDA.

MARISCOS DEL ECUADOR C. L. MARECUADOR

MARINES C.A.

NATURAL SELECT S.A.

NEGOCIOS INDUSTRIALES

NOVAPESCA S.A.  
OCEANMUNDO S.A.  
OCEANPRO  
OPERADORA Y PROCESADORA DE PRODUCTOS MARINOS S.A. (OMARSA)  
OYERLY S.A.  
PACFISH S.A.  
PCC CONGELADOS & FRESCOS S.A.  
PESCAZUL S.A.  
PESLASA S.A.  
PHILLIPS SEAFOOD  
PROCESADORA DEL RIO PRORIOSA S.A.  
PROMAROSA PRODUCTOS  
SOCIEDAD NACIONAL DE GALAPAGOS C.A. (SONGA)  
TOLYP S.A.  
TRANSCITY S.A.

3. THESE INSTRUCTIONS DO NOT APPLY TO ENTRIES OF SUBJECT MERCHANDISE PRODUCED BY OCEANINVEST S.A. OR PROMARISCO S.A. SEPARATE LIQUIDATION INSTRUCTIONS COVERING ENTRIES OF SUBJECT MERCHANDISE PRODUCED BY PROMARISCO S.A. WERE SENT UNDER MESSAGE

NUMBER 8253202. SEPARATE INSTRUCTIONS COVERING ENTRIES OF SUBJECT MERCHANDISE PRODUCED BY OCEANINVEST S.A. WILL FOLLOW.

4. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 02/01/2006 THROUGH 01/31/2007.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE

TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER.

INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED

ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF COMMERCE'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER, TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O2: DJG).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

ALICE J. BUCHANAN

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party